

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Legacy Capital 26, LLC

Plaintiff,

-v-

Chaldean Enterprise, LLC d/b/a Speedy Weedy;
and Furat Najah Alsaigh,

Defendants.

Case No.

NOTICE OF REMOVAL

**TO: UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §1332, 1441 and 1446, and in accordance with Local Rule 81.1, Defendants, Chaldean Enterprise, LLC d/b/a Speedy Weedy and Furat Najah Alsaigh, by and through the undersigned counsel, hereby remove this action from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Southern District of New York. In support of this Notice of Removal, Defendants state as follows:

FACTUAL BACKGROUND

1. On or about June 7, 2022, Plaintiff filed a Summons, Complaint and exhibit against Defendants in the Supreme Court of The State of New York, County of Kings captioned *Legacy Capital 26, LLC. v. Chaldean Enterprise, LLC d/b/a Speedy Weedy; and Furat Najah Alsaigh*, Index No. 516493/2022 (“State Action”). True and correct copies of the Summons, Complaint, exhibit, affirmation of service and related documents filed are attached hereto as **Exhibit A**.
2. A copy of the Docket of the State Action is attached hereto as **Exhibit B**.

REMOVAL IS TIMELY AND PROPER

3. 28 U.S.C. § 1446(b)(1) provides that the Notice of Removal is timely if served within thirty (30) days after receipt by the Defendant.

4. This matter was filed with the court of June 7, 2022, and per the documents on the docket, it was served via certified mail to Defendants on June 9, 2022. Therefore, the removal is timely.

5. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

6. As required by 28 U.S.C. § 1441, Defendants seek to remove this case to the United States District Court for the Southern District of New York, which is the District Court embracing the place where the State Court Action has been filed.

BASIS FOR REMOVAL – DIVERSITY

7. Pursuant to 28 U.S.C. § 1332(a), a defendant may remove any action where there is complete diversity between Plaintiff and Defendants.

8. Plaintiff, Legacy Capital 26, LLC, is a New York business, with a registered address in New York.¹ **Exhibit C** and **Exhibit A**, ¶ 1, and Exhibit to Complaint.

9. Defendants, Chaldean Enterprise LLC d/b/a Speedy Weedy is a citizen of California. The business is registered in California with its principal place of business also located in California. *See* 28 U.S.C. § 1332(c)(1) (for diversity purposes, “[a] corporation shall be deemed

¹ It is unclear whether Plaintiff has a principal place of business, however, all available addresses for Plaintiff’s business are located in New York.

a citizen of any State by which it has been incorporated and of the State where it has its principal place of business”) **Exhibit D and Exhibit A**, Summons and Compl. ¶ 2.

10. Defendant Furat Najah Alsaigh is a resident of California. *See* Ex. A, Summons and Compl. ¶ 3.

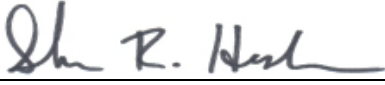
11. As the above demonstrates, the Action is between citizens of different states and there is complete diversity for purposes of 28 U.S.C. §§ 1332 and 1441.

WHEREFORE, Removing Defendants respectfully request that the action presently pending in the Supreme Court of the State of New York, Kings County, be removed to the United States District Court for the Southern District of New York.

Date: July 7, 2022

Respectfully submitted,

WHITE AND WILLIAMS LLP

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Attorneys for Defendants

A copy of the notice of removal will be sent to:
To: Erica R. Gilerman Esq.
Gilerman Law
3140 Emmons Avenue
Brooklyn, NY 11235
Attorneys for Plaintiff

Clerk
Supreme Court, County of Kings
360 Adams St #4
Brooklyn, NY 11201